

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION AT JACKSON**

**DORIS THARPE d/b/a
OAK HILL CAFÉ,**

Plaintiff,

v.

**Docket No.:
Jury Demanded**

**UNITED STATES LIABILITY
INSURANCE COMPANY,**

Defendant.

NOTICE OF REMOVAL

Defendant United States Liability Insurance Company, hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court of Decatur County, Tennessee and Plaintiff, Doris Tharpe d/b/a Oak Hill Cafe, that the action described herein and filed in the Circuit Court of Decatur County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On May 22, 2013, Plaintiff, Doris Tharp d/b/a Oak Hill Cafe, filed a civil action bearing Docket No. 13-CV-15, against the Defendant, United States Liability Insurance Company, in the Circuit Court of Decatur County, Tennessee. Service of the complaint and summons was made upon the Corporation Service Company for the Defendant on June 3, 2013, by certified mail through the Department of Insurance of the State of Tennessee.

2. This action is filed by Plaintiff for proceeds allegedly due under a contract of insurance written by Defendant, United States Liability Insurance Company, insuring Plaintiff's business and contents in Decatur County, Tennessee, which property was allegedly destroyed by a fire occurring on or about April 7, 2012.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the complaint prays compensatory damages in an amount not to exceed \$150,000.00, punitive damages in the amount of \$1,350,000.00, and alleges that the building destroyed by fire was insured for \$100,000.00.

4. Plaintiff is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, United States Liability Insurance Company, is a corporation incorporated in Pennsylvania, with its principal place of business in Montgomery County, Pennsylvania. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number 13CV15 is removed from the Circuit Court of Decatur County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/Russell E. Reviere
Russell E. Reviere (07166)
Attorney for Defendant
209 East Main Street
P. O. Box 1147
Jackson, TN 38302-1147
(731) 423-2414

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to J. Brandon McWherter, 101 North Highland, Jackson, TN 38301, counselor of record for Plaintiff, and by electronic means via the Court's electronic filing system.

This the 18th day of June, 2013.

s/ Russell E. Reviere